

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)

4450-0150P

In re Application of: Daniel E. KLAUSMEIER et al.

Application No.: 10/023,971

Filed: December 17, 2001

For: REARRANGEABLE SWITCH BASED ON THE LOOPING ALGORITHM AND HAVING A NON-POWER OF TWO NUMBER OF PHYSICAL CENTER STAGES

The owner*, CIENA CORPORATION, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 6,343,075 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

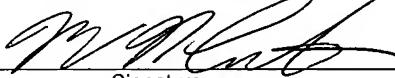
expires for failure to pay a maintenance fee;
is held unenforceable;
is found invalid by a court of competent jurisdiction;
is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
is reissued; or
is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. 39,491



Signature

June 16, 2005

Date

Michael R. Cammarata

Typed or printed name

(703) 205-8000

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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CIENA CORPORATION
DAVID L. SOLTZ
LEGAL DEPARTMENT
1201 WINTERSON ROAD
BALTIMORE, MD 21090



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UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/26/1999

REEL/FRAME: 010349/0014
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
KLAUSMEIER, DANIEL E.

DOC DATE: 10/07/1999

ASSIGNOR:
GULLICKSEN, JEFFREY T.

DOC DATE: 09/30/1999

ASSIGNEE:
CIENA CORPORATION
LEGAL DEPARTMENT
1201 WINTERSON ROAD
LINTHICUM, MARYLAND 21090

SERIAL NUMBER: 09427299
PATENT NUMBER:

FILING DATE: 10/26/1999
ISSUE DATE:

ANNE HARRELL, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

02-29-2000



ket No.: 295

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Daniel E. Klausmeier
Jeffrey T. Gullicksen

Additional names(s) of conveying party(ies)

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: 09/30/99 and 10/07/99

2. Name and address of receiving party(ies):

Name: CIENA CORPORATION

Address: Legal Department

1201 Winterson Road

City: Linthicum

State/Prov.: MD

Country: ZIP: 21090

Additional name(s) & address(es)

Yes No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: 10/26/99

Patent Application No.

Filing date

B. Patent No.(s)

09427299

Additional numbers

Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David L. Soltz

Registration No. 34,731

Address: CIENA Corporation

Legal Department

1201 Winterson Road

City: Baltimore State/Prov.: MD

Country: ZIP: 21090

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$ 40.00

Enclosed - Any excess or insufficiency should be credited or debited to deposit account

Authorized to be charged to deposit account

8. Deposit account number:

50-0308

11/02/1999 JSHABAZZ 00000070 500308 09427299

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David L. Soltz

Name of Person Signing

Signature

October 26, 1999

Total number of pages including cover sheet, attachments, and

3

Date

**SOLE/JOINT INVENTION
(Worldwide Rights)**

ASSIGNMENT

WHEREAS I, the below named inventor, hereinafter referred to as Assignor, has made an invention entitled:

**REARRANGEABLE SWITCH BASED ON THE
LOOPING ALGORITHM AND HAVING A NON-POWER
OF TWO NUMBER OF PHYSICAL CENTER STAGES**

for which I executed an application for United States Letters Patent attached hereto and

WHEREAS, CIENA Corporation, a corporation of Delaware whose post office address is 1201 Winterson Road, Linthicum, Maryland 21090 (hereinafter referred to as Assignee), is desirous of securing the entire right, title, and interest in and to this invention in all countries throughout the world, and in and to the application for United States Letters Patent on this invention and the Letters Patent to be issued upon this application;

NOW THEREFORE, be it known that for and in consideration of the sum of One Dollar (\$1.00) in hand paid and other good and valuable consideration the receipt of which from assignee is hereby acknowledged, I, as assignor, have sold, assigned, transferred, and set over, and do hereby sell, assign, transfer, and set over unto the assignee, its lawful successors and assigns, our entire right, title, and interest in and to this invention and this application, and all divisions, and continuations thereof, and all Letters Patent of the United States which may be granted thereon, and all reissues thereof, and all rights to claim priority on the basis of such application, and all applications for Letters Patent which may hereafter be filed for this invention in any foreign country and all Letters Patent which may be granted on this invention in any foreign country, and all extensions, renewals, and reissues thereof; and We hereby authorize and request the Commissioner of Patents and Trademarks of the United States and any official of any foreign country whose duty it is to issue patents on applications as described above, to issue all Letters Patent for this invention to assignee, its successors and assigns, in accordance with the terms of this Assignment;

AND, I HEREBY covenant that I have the full right to convey the interest assigned by this Assignment, and I have not executed and will not execute any agreement in conflict with this Assignment;

AND, I HEREBY further covenant and agree that I will, without further consideration, communicate with assignee, its successors and assigns, any facts known to us respecting this invention, and testify in any legal proceeding, sign all lawful papers when called upon to do so, execute and deliver any and all papers that may be necessary or desirable to perfect the title to this invention in said assignee, its successors or assigns, execute all divisional, continuation, and reissue applications, make all rightful oaths and generally do everything possible to aid assignee, its successors and assigns, to obtain and enforce proper patent protection for this invention in the United States and any foreign country, it being understood that any expense incident to the execution of such papers shall be borne by the assignee, its successors and assigns.

**SOLE/JOINT INVENTION
(Worldwide Rights)**

IN TESTIMONY WHEREOF, I have hereunto set my hand.

Date: 10/7/99

Jeff Gullicksen
Jeffrey T. Gullicksen

SEAL

Subscribed and sworn to before me
this _____ day of _____, 19____.

, Notary Public

IN TESTIMONY WHEREOF, I have hereunto set my hand.

County of _____) Daniel E. Klausmeier
) ss. 2311 Loma Prieta Lane
 State of _____) Menlo Park, California 94025

Date: 9/30/99


Daniel E. Klausmeier

SEAL

Subscribed and sworn to before me
this ____ day of _____, 19____.

, Notary Public